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June 8, 1999

Stephen Michael Kellat
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Magalie Roman Salas
Office of the Secretary, TW-A306
Federal Communications Commission
445 12th Street, S.W.
Washington, DC
20554

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JUN 10 1999

FCC MAIL ROOM

Dear Madam Secretary:

Please find enclosed an original and nine paper copies of my comments in the proceeding captioned *In the Matter of Creation of a Low Power Radio Service*, MM Docket No. 99-25. Please sign and date stamp the enclosed postage paid self addressed postcard to indicate your receipt of my filing. Thank you for your time and consideration.

Respectfully Submitted,



Stephen Michael Kellat

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Before the
Federal Communications Commission
Washington, DC 20554

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JUN 10 1999

FCC MAIL ROOM

In the Matter of)	
)	MM Docket No. 99-25
Creation of a Low)	
Power Radio Service)	RM-9208
)	RM-9242

COMMENTS OF STEPHEN MICHAEL KELLAT

INTRODUCTION

1. On February 3, 1999, the Commission released a Notice of Proposed Rule Making proposed to "...establish rules authorizing the operation of new, low power FM (LPFM) radio stations..."². The Notice indicates that it is the Commission's belief that "...these new LPFM stations would provide a low-cost means of serving urban communities and neighborhoods, as well as populations living in smaller rural towns and communities"³. The wide ranging proposals will shape the future of broadcasting in the immediate future.

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2. These proposals offer much opportunity and possibility to the public. They also offer the chance to change many disparities in society. As such, I do offer comment as much as I possibly can in this proceeding.

THE NEED FOR SUCH A SERVICE

Availability Of Alternative Sources Of Information

¹*In the Matter of Creation of a Low Power Radio Service*, MM Docket No. 99-25, RM-9208, RM-9242, Adopted January 28, 1999, Released February 3, 1999

²¶1 of the Notice

³¶1 of the Notice

3. Multiple alternative sources of information exist in my community. Newspapers⁴, broadcast radio stations⁵, cable television systems⁶, and multiple Internet access providers exist in Ashtabula County⁷. However, various amounts of penetration of the populace exist for each different source.

4. Several local radio stations obtain the bulk of their programming via satellite. Local FM station WREO only has local programming during "morning zoo" hours and local station breaks for weather reports. Others follow suit. Local FM station WZOO has local programming. In the FM band, one only has a choice between "country music", "oldies", and "hip hop" on local⁸ stations. WYSU, the campus radio station of Youngstown State University, also maintains transmitting facilities in Ashtabula County. Very little variety in programming exists unless one attempts to receive stations from outside the county.

5. The local cable system offers the "standard" set of channels. In addition to local television from Cleveland, Ohio and Erie, Pennsylvania, networks like CourtTV, The Learning Channel and others are available. Local, government, and school access channels are also available to cable viewers.

⁴Three local "newspapers" exist, general circulation dailies The Star Beacon and The News Herald, along with the community weeklies of *The Gazette Newspapers*.

⁵Local radio stations situated in Ashtabula County are: (FM) WGOJ, WREO, WZOO, WKKY, WWOW; (AM) WFUN

⁶Ashtabula County is primarily served by Adelphia Cable. TCI was the former service provider, in place of Adelphia.

⁷For example, Suite 224 Internet, a division of the Conneaut Telephone Company, serves as one local Internet service provider. Alltel, a division of the Western Reserve Telephone Company, also offers Internet access locally in Ashtabula County. Other providers include The Knowledge Network and Interlaced Communications.

⁸In the present context, I am defining "local" to mean radio stations located within territory of Ashtabula County, Ohio.

6. Several Internet service providers exist in Ashtabula County. Also, access to the Internet is available through the various libraries of Ashtabula County. If an Ashtabula County resident can meet the bare requirements of having a library card, and if a minor, parental permission, Internet access is possible, opening their lives to the wide world around them.

Impact Of The Internet On Information Dissemination⁹

7. The current presidential administration has claimed often that the Internet opens up new possibilities for students and the general populace. In short, the claim is that the Internet is "the best thing since sliced bread". However, such claims do not work in Ashtabula County.

8. Some teachers at my local high school add the requirement to research projects that at least one "Internet source" must be used. They add such requirements so the students take the time to use computers and learn how to utilize the Internet. While such actions are noble gestures, many students become frustrated in trying to use the Internet for school purposes and turn up little information sometimes in their searches. The Internet is not ready yet as a serious general research tool for high school research projects. Based upon personal experience, general searches for information about a topic, such as the reign of Oliver Cromwell as Lord Protector of Great Britain, turn up either too much information which is not of use or insufficient amounts of information. Obtaining books about Cromwell's reign from the local public library was faster and more appropriate to the project. Beyond searching for sites of personal interest, the Internet has not had much success in usefully penetrating the student portion of the populace in Ashtabula County. Teachers have recently begun to reverse the tide, discouraging students from using the Internet for some research papers.

⁹This section is in response to ¶12 of the Notice.

9. Often, the Internet has been of little "benefit" to people in Ashtabula County. I discount it as an alternative to authorization of a Low Power FM service. The public interest, convenience, and necessity would not be served if this possibility is not considered fully.

SPECTRUM CONSIDERATIONS

10. *New Allocations.* It is quite inappropriate to consider new allocations beyond those already existing for FM broadcast services. Radio waves do not respect borders. Any significantly new allocation for an FM broadcast service would require international negotiation and consideration. Negotiations, at a bare minimum, would have to take place between the United States, Canada, and Mexico before a new allocation could be opened up. Negotiations would have to occur with those island nations that are located near the United States insular possessions also. The cost to the United States Government for all such negotiations is quite difficult to justify, thereby helping place new allocations beyond the public interest, convenience, and necessity. Also, with a lack of receivers already on the market for any new band, too much cost for the consumer would exist for utilizing such a new service allocation. Cost of making a new market in receivers would place that type of action beyond the public interest, convenience and necessity, also.

11. *Channels.* Secondary use of the FM broadcast band, subject to interference protection requirements, is appropriate. After a brief engineering study and consideration by Mass Media Bureau staff, construction permits and operating licenses could be issued quickly. However, it is quite necessary and in the public interest, convenience, and necessity to require submission to the Commission of basic engineering data.

12. *Interference.* It is necessary to guard other FM stations against interference. Mixing of FM signals is a form of interference that is not conducive to listener enjoyment. With such mixing, little intelligible information is received by a listener. Also, such interference is contrary to the public interest, convenience, and necessity and is detrimental to the interests of emergency preparedness.

13. Interference with full power, full service FM stations is an issue that must be considered. For example, if a listener wants to listen to their favorite full-power country music radio station, but a LPFM station is operating on the same frequency within range, interference would more than likely occur, annoying the country music listener. If LPFM stations were authorized only as a secondary service, and such interference was persistent, theoretically such a listener would complain to the Commission and ask that the station would be "shut down". A secondary service must protect a primary service. Clearly, if such a potential for case like that existed, authorization of such a service would be clearly unwarranted.

14. Interference with the proper operation of the Emergency Alert System ("EAS") is totally inappropriate and contrary to policy that has been in place since the 1960's, when the Emergency Broadcasting System, EAS's predecessor, was inaugurated. The United States of America is not free from acts of terrorism, severe weather like Hurricanes, civil disorders and other problems. Ashtabula County dealt with much severe weather last summer. Information disseminated via the EAS was important in many respects in the county during those weather situations. If the EAS potentially cannot function properly due to interference from LPFM stations operating on the same channels as full power, full service radio stations, then

authorization of such stations is clearly unwarranted and outside the public interest, convenience, and necessity.

15. Secondary use of FM broadcast channels after a basic analysis of whether or not any full power, full service radio stations would be interfered is appropriate and within the public interest, convenience, and necessity. For the reasons stated in preceding paragraphs, it is in the public interest to require a basic interference analysis due to potential threats to life if critical information regarding emergency preparedness is cut off. Emergency preparedness information dissemination is quite important and necessary in today's world.

OWNERSHIP

16. In paragraphs 64 through 67 of the Notice, the Commission inquires whether or not unauthorized broadcasters should be permitted to hold licenses for LPFM stations. The Commission also stated that it would consider standards by which to consider illegal operators to be "rehabilitated". The propriety of granting applications of those unauthorized broadcasters who voluntarily cease their illegal actions after the publication of this proceeding's notice was also questioned.

17. I can only urge the Commission that, trying to be fair, standards for qualifications in other services be applied equally in this service. For example, if a licensed radio operator is convicted of a telecommunications crime not directly related to the operator's service, the Commission can still find a licensee such as that unqualified to hold licenses in that service and others. Uniformity is key in the application of telecommunications law.

CONCLUSION

18. The public interest, convenience, and necessity would not be served by creation of such a radio service. This agency should not place a price-tag on the value of life. If the EAS cannot function properly, lives may be threatened in an emergency. If critical data concerning safety of life and emergency type matters is not transmitted to the public by full power FM stations, lives may be threatened too. If no interference standards exist or are under consideration that will protect full power FM stations from interference, then I strongly urge the Commission not to create such a service and to terminate this proceeding promptly.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Stephen Michael Kellat".

Stephen Michael Kellat
1712 East 29th Street
Ashtabula Township, Ohio
44004-5244

June 8, 1999

CERTIFICATE OF SERVICE

I, Stephen Michael Kellat, do certify that true and correct copies of the foregoing comments have been serviced upon those persons listed on the service list below by United States Mail on June 8, 1999.

X Stephen Michael Kellat Date: 06 / 08 / 1999
Stephen Michael Kellat

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